

**REMARKS**

This is in full and timely response to the Office Action mailed on September 9, 2008.

Claims 1 and 5-7 are currently pending in this application, with claims 1 and 6 being independent.

*No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

**Rejection under 35 U.S.C. §102 and 35 U.S.C. §103**

Page 2 of the Office Action indicates a rejection of claims 1-7 under 35 U.S.C. §102 as allegedly being anticipated by U.S. Design Patent No. D528,573 S (Aoki).

This rejection is traversed at least for the following reasons.

The above-identified application is entitled to the benefit of Japanese Patent Application No. 2005-052898 having a filing date of February 28, 2005.

However, note that Aoki has a filing date of September 13, 2005, which is *later* than the filing date of February 28, 2005 for Japanese Patent Application No. 2005-052898.

Thus, Aoki is believed to be unavailable as prior art at least for this reason.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Page 3 of the Office Action indicates a rejection of claims 1-7 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 7,204,954 (Mizuno) or U.S. Patent No. 7,396,504 (Kodama) in view of German Application Publication No. DT 24 27 751 (German).

This rejection is traversed at least for the following reasons.

**Claims 1-5** - While not conceding the propriety of this rejection and in order to advance the prosecution of the present application, the features of claim 4 have been wholly incorporated into claim 1 along with the cancellation of claims 2-4. As a result, prior claim 4 is now claim 1.

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

Claim 5 is dependent upon claim 1. Claim 1 is drawn to a container, comprising:

a container main body, having a first opening in an upper portion thereof, capable of storing a molten metal;

a first lid capable of covering the first opening and rotating in a horizontal direction against the first opening;

a pressurized gas introducing port that introduces a gas for applying pressure into the container main body; and

a flow path that supplies the molten metal stored inside the container main body to an outside,

wherein the container main body has a storing portion having a second opening that is larger than the first opening in an upper portion thereof, and a second lid fixed to the storing portion to cover the second opening, having the first opening,

wherein the second lid has a supporting portion that rotatably and pivotably supports the first lid,

wherein the first lid is supported by the supporting portion to be capable of being lifted up from a surface of the second lid, and

wherein the container further comprises a first supporting and guiding member, having a first roller rotatably contacts to an area other than the first opening on the surface of the second lid and capable of moving up and down, and the first supporting and guiding member is disposed on an outer peripheral of the first lid.

**Claims 6-7** - Claim 7 is dependent upon claim 6. Claim 6 is drawn to a container, comprising:

a container main body, capable of storing a molten metal inside thereof, having a first area and a second area in an upper portion thereof: the first area is provided with a first opening and the second area is provided with a pipe fixing portion and a lid rotation support portion;

a first lid capable of covering the first opening and disposed at the lid rotation support portion so that the first lid rotates in a horizontal direction against the first opening;

a flow path that supplies the molten metal stored inside the container main body to an outside;

a pipe, disposed at the pipe fixing portion, communicating with the flow path; and

a pressurized gas introducing means that introduces a gas for applying pressure into the container main body,

wherein the first lid is supported by the supporting portion to be capable of being lifted up from a surface of the second lid, and

wherein the container further comprises a first supporting and guiding member, having a first roller rotatably contacts to an area other than the first opening on the surface of the second lid and capable of moving up and down, and the first supporting and guiding member is disposed on an outer peripheral of the first lid.

The present application was filed after November 29, 1999.

*Hoei Shokai Co., Ltd.* is the real party in interest of the present application. An assignment of all rights in the present application to *Hoei Shokai Co., Ltd* was executed by the inventor and recorded by the U.S. Patent and Trademark Office at reel 017689, frame 0287.

**Mizuno** - *Hoei Shokai Co., Ltd.* is the real party in interest of Mizuno. An assignment of all rights in Mizuno to *Hoei Shokai Co., Ltd* was executed by the inventor and recorded by the U.S. Patent and Trademark Office at reel 014641, frame 0200.

The present application and Mizuno were, at the time the invention of the present application was made, commonly owned by *Hoei Shokai Co., Ltd.* But pursuant to 35 U.S.C. §103(c) and M.P.E.P §706.02(l)(1), **Mizuno is disqualified as prior art** for the purpose of a rejection under 35 U.S.C. §103.

Moreover, Mizuno **fails** to disclose, teach, or suggest a container

- *wherein the first lid is supported by the supporting portion to be capable of being lifted up from a surface of the second lid, and*
- *wherein the container further comprises a first supporting and guiding member, having a first roller rotatably contacts to an area other than the first opening on the*

*surface of the second lid and capable of moving up and down, and the first supporting and guiding member is disposed on an outer peripheral of the first lid.*

**Kodama** - *Hoei Shokai Co., Ltd.* is the real party in interest of Kodama. An assignment of all rights in Kodama to *Hoei Shokai Co., Ltd.* was executed by the inventor and recorded by the U.S. Patent and Trademark Office at reel 014229, frame 0628.

The present application and Kodama were, at the time the invention of the present application was made, commonly owned by *Hoei Shokai Co., Ltd.* But pursuant to 35 U.S.C. §103(c) and M.P.E.P §706.02(l)(1), **Kodama is disqualified as prior art** for the purpose of a rejection under 35 U.S.C. §103.

Moreover, Kodama **fails** to disclose, teach, or suggest a container

- *wherein the first lid is supported by the supporting portion to be capable of being lifted up from a surface of the second lid, and*
- *wherein the container further comprises a first supporting and guiding member, having a first roller rotatably contacts to an area other than the first opening on the surface of the second lid and capable of moving up and down, and the first supporting and guiding member is disposed on an outer peripheral of the first lid.*

**German** - German **fails** to disclose, teach, or suggests that the lid of German tilts as described in the present invention.

In this regard, German **fails** to disclose, teach, or suggest a container

- *wherein the first lid is supported by the supporting portion to be capable of being lifted up from a surface of the second lid, and*
- *wherein the container further comprises a first supporting and guiding member, having a first roller rotatably contacts to an area other than the first opening on the*

*surface of the second lid and capable of moving up and down, and the first supporting and guiding member is disposed on an outer peripheral of the first lid.*

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### **Official Notice**

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

### **Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

### **Fees**

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

### **Conclusion**

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: December 1, 2008

Respectfully submitted,

By 

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